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In re Application of :
Laura Reid :
Application No. 10/653,670 :
Filed: September 2, 2003 :
Attorney Docket No. 9400-38 :

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.10, filed October 21, 2003, requesting that the above-identified application be accorded a filing date of September 2, 2003, rather than the presently accorded filing date of September 3, 2003.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited on September 2, 2003, under 37 CFR 1.10 by "Express Mail Post Office to Addressee" service. In support, petitioner supplied a copy of a United States Postal Service Track & Confirm record of the shipment details of a package bearing Express Mail Label No. EV193633310US, indicating that the package was accepted on September 2, 2003, at 5:34 pm, in Raleigh, NC 27612. The same Express Mail Label Number appears on the application papers as originally filed.

Petitioner did not supply a copy of the Express Mail Label with the present petition. Nevertheless, the showing establishes, to the satisfaction of the Commissioner, that the requested filing date is the date the correspondence was deposited in "Express Mail Post Office to Addressee" service.

In view of the above, the application is **granted**. The Office of Initial Patent Examination is directed to change the filing date to September 2, 2003, and mail a corrected filing receipt to petitioner.

Telephone inquiries should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell
Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Laura Reid

Serial No.: 10/653,670

Examiner: Unassigned

Filed: September 2, 2003

Group Art Unit: Unassigned

For: METHODS, APPARATUS AND COMPUTER PROGRAM PRODUCTS FOR
ROUTING PHONE CALLS TO A PSTN OR A PACKET SWITCHED NETWORK
BASED ON CALLED NUMBER

October 20, 2003

Office of Patent Legal Administration
Commissioner for Patents
P.O. Box 1450
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OCT 21 2003
OFFICE OF PETITIONS

PETITION TO ACCORD THE PROPER FILING DATE

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of September 2, 2003 rather than September 3, 2003 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of September 2, 2003 being the correct filing date for the application which was properly filed under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the Express Mail Receipt marked by the United States Postal Service ("USPS") as a "date-in" or deposit date with the USPS of 5:34 p.m. on September 2, 2003; and
3. A true and accurate copy of our return post card sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of September 3, 2003 instead of the Express Mail date of September 2, 2003.

This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of September 2, 2003 as the filing date pursuant to 37 CFR § 1.10.

In re: Glenn Mahony et al.

Serial No.: 10/606,677

Filed: June 26, 2003

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On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,



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